

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

-----X
In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹
-----X

MEMORANDUM ORDER GRANTING URGENT MOTION
FOR RELIEF FROM THE AUTOMATIC STAY FILED BY BERNICE BEAUCHAMP-VELÁZQUEZ

Before the Court is a motion filed by Bernice Beauchamp-Velázquez, personally and on behalf of her minor special needs daughter, AMB (collectively, the “Movants”) for relief from the automatic stay imposed by the filing of the above-captioned Title III case in a case captioned, Bernice Beauchamp-Velázquez v. Department of Education of Puerto Rico, et al., No. 17-cv-1419, in the United States District Court for the District of Puerto Rico (the “Litigation”). For the following reasons, the motion is granted, and the stay is lifted to allow the Litigation to proceed to completion, including entry and enforcement of any judgment.

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Beauchamp-Velázquez and AMB are the named Plaintiffs in the Litigation, which was filed against the Department of Education of Puerto Rico and the Commonwealth of Puerto Rico (the “Commonwealth”) seeking attorney’s fees and costs pursuant to Section 1415(i)(3)(B) of the Individuals with Disabilities Education Improvement Act (“IDEA”). 20 U.S.C. § 1415(i)(3)(B); see also 34 C.F.R. § 300.517(a)(1)(i). (Docket entry no. 741, (the “Motion”) at 3.) The Litigation was commenced on March 31, 2017. (Id.) The proceedings were stayed on July 13, 2017, pursuant to the automatic stay imposed following the Commonwealth’s Title III filing. (Case No. 17-CV-1419, Docket entry no. 15.)

By urgent motion filed August 22, 2017, the Commonwealth consented to the granting of relief from the automatic stay to allow the Litigation to proceed to completion, including to “permit the payment of attorney fees.” (Docket entry no. 1124 at 2.) In light of the Commonwealth’s consent, the Court need not address the arguments raised by the Movants. The automatic stay of the Litigation is hereby lifted to allow the Litigation to proceed to completion, including the enforcement of any judgment. The hearing scheduled for August 23, 2017, in connection with the Motion, is hereby cancelled because the Movants have been granted complete relief. This Memorandum Order resolves docket entry nos. 741 and 1124 in case no. 17-3283.

SO ORDERED.

Dated: August 22, 2017

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge